

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RODNEY H. S. KIM,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Case No. C07-5165FDB

ORDER SETTING BRIEFING
SCHEDULE

Petitioner moved pursuant to 18 U.S.C. § 3582(c)(2) for a reduction of sentence and to strike the illegal portion of his sentence. Petitioner also petitioned for immediate release, which was denied. Petitioner appealed the reference of the Section 3582 matter to the Ninth Circuit Court of Appeals, which transferred the matter to this Court, stating that the district court had the authority to consider Petitioner's Section 3582 motion for reduction of sentence. Section 3582((c)(2) allows a defendant to move for a reduction of sentence in the case where a term of imprisonment was based on a sentencing range that has been subsequently lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o).


NOW, THEREFORE, IT IS ORDERED:

The following briefing schedule is set on this motion:

ORDER - 1

- Respondent's Answer is due by Friday, August 17, 2007;
- Petitioner's Reply is due by Friday, September 7, 2007;
- The Clerk shall note this matter for the Court's consideration Monday, September 10, 2007.

DATED this 9th day of July, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE